

**STATE BAR OF GEORGIA  
EXECUTIVE COMMITTEE  
MINUTES  
Thursday, August 16, 2018  
Mansour Conference Center/Marietta, Georgia**

Members Participating:

Kenneth B. Hodges, III, President; Darrell L. Sutton, President-elect; Elizabeth Louise Fite; Secretary; Dawn M. Jones, Treasurer; Rizza O'Connor, YLD President; William T. Davis, YLD President-elect; Nicole C. Leet, YLD Immediate Past President; Sally B. Akins (by phone); Amy V. Howell (by phone); David S. Lipscomb; Frank Strickland; and Nicki Vaughan (by phone).

Members Absent:

Buck Rogers, Immediate Past President; and Tony DelCampo.

Staff Participating:

Sarah Coole, Director of Communications; Jeff Davis, Executive Director; Christine Butcher Hayes, Director of Governmental Affairs; Paula Frederick, General Counsel; Bill NeSmith, Deputy General Counsel; and Ron Turner, Chief Financial Officer.

Call to Order

President Ken Hodges called the meeting to order at 1:00 p.m. Members of the Executive Committee in attendance are indicated above.

Future Meetings

President Ken Hodges reviewed the Future Meetings Schedule. He outlined the activities that will take place at upcoming Executive Committee and Board of Governors meetings. He announced that the 2020 Spring Board meeting will take place at Chateau Elan and that the YLD Summer meeting is the weekend of August 23-26. Lastly, he announced that there will be an optional trip in January to an Arizona wellness spa that will offer 12 hours of CLE.

Executive Committee Minutes

By unanimous voice vote, the Executive Committee approved the meeting minutes of April 13-15, 2018 as submitted, and the meeting minutes of June 19, 2018, as revised to reflect the officers' rollover amount of unused funds from 2017-18 Bar year, and reflect that President-elect Darrell Sutton and Treasurer Dawn Jones were the two opposing votes.

Members Requesting Resignation

Pursuant to State Bar Rule 1-208, the Executive Committee approved the following resignation requests by unanimous voice vote: David J. Walker Sr-011692, Samuel Wallace Juster-622316, Robert Michael Orenstein-493979, Lissa L. Broome-086199, Robert Lay Martin-473948, Amy Aykut-557868, Benjamin Richard Kennard-337481, Benner Charles Richardson-313779, Bernard E. Namie III-534150, Randall H. Stephens-679175, James Joseph Bushnell Jr-098967, Lori Llene Barkus-154892, Leslie M. Stamps-674237, Tamara Sue Pester-573535, Denise Gough -303205, Yury Jin Park-140276, Michael James Baker-539951, Steve D. Halton-319891, Doris Ellen Guidry-731760, Merlinus Monroe-516401, John Stover-142218, William Claiborne III-126360, William Castings Jr-116131, Robin Wilson-769010, Magan Siler Flynn-004760, Harvey R. Spiegel-672050, Robert G. Muehl-527884, Ronald Matamoros-476325, Leigh E. Adams

Bengtson-050167, Jonathan Caleb Thomas-333320, Melissa Bruzzano-090955, Antje Kingma-595120, Robert Max Green-307325, Amber Stewart -153005, Shirley Norris-545877, Daniel Phelan-001510, Thomas Callahan-104584, Sally Cobb Cannon-199456, Wendy P. Solovay-666787, Suong Mai T Cavalli-117725, Ruth A. Hillis-355000, Martin L. Holton III-364520, Samuel Thomas Scott Kay-409340, Jay Zagoren-784150, Lois F. Downey-228290, Regina R. Russell-303215, Joanne T. Fryer-703131, Malane Toft Spears-670145, Ellen M. Baker-479742, Arthur Christopher Lee-444649, Bruce George Nesdore-196958, Pruett Burge-095175, Jeffrey Scott Meredith-002444, John Staige Davis, V-211060, Richard Scott Wyde-224508, John Paul Kemp-414487, Roland S. Fung-280737, Pearl S. Schaikewitz-665328, Jeffrey Talmadge-696999, Donald Aronin-023713, Sharon Rooble-611752, Stephen Smith-442317, Peter Hurtado-380110, Steven Lee Atha-026283, Mario Cirignani-126158, Melanie B. Richards-470774, Denise Richards-233870, Marshall R. Jones-402519

#### Members Requesting Disabled Status

Pursuant to State Bar Rule 1-202, the Executive Committee, by unanimous voice vote, approved eleven requests for disabled status.

#### Members Requesting Military Dues Waiver

President-elect Darrell Sutton pointed out the discrepancies in waiving these requests when there are Georgia public service lawyers making less money who do not get an opportunity for a waiver. David Lipscomb suggested that we draft an income level policy. Executive Director Jeff Davis reported that Pro Bono Director Mike Monahan and MLAP Director Christopher Pitts have military personnel income tables and he will work with them on a recommendation.

The Executive Committee, by unanimous voice vote, granted a Military Dues Waiver request for Andrew R. Fiddes-259319.

#### Cornerstones of Freedom Budget Request

Following a report by Sarah Coole, the Executive Committee, by unanimous voice vote, approved a request from Sonjui Kumar and Peter Canfield, co-chairs of the Communications/Cornerstones of Freedom Committee for additional funds in the amount of \$88,000 from the Cornerstones of Freedom budget for the third year of the *Who Needs Lawyers* PSA campaign. The funds will be used to show the prior years' PSAs while the new ones are being produced, extend the campaign from 6 to 9 months, utilize additional types of media, create an additional PSA that incorporates the *Arc of Justice* Project, and better utilize CloudLawyers *Find a Lawyer* directory. Sarah also reported that the original plan was to extend the campaign over 5 years, but it could run longer depending on the what the Executive Committee wants. Sarah confirmed that the campaign's total budget this year is \$458,000 and last year we spent around \$370,000.

#### Proposed Rules Amendment to Part VII – Lawyer Assistance Program (LAP)

Deputy General Counsel Bill NeSmith presented amended rules to Part VII-Lawyers Assistance Program proposed by the LAP Committee. The Executive Committee directed the Office of General Counsel to work with the LAP Committee to create a set of rules consistent with other State Bar rules for its review.

### Petitions and Bylaws for a Class Action Section and Construction Law Section

Following a report by Deputy General Counsel Bill NeSmith, the Executive Committee, by unanimous voice vote, approved recommending to the Board of Governors the creation of and bylaws for a 1) Class Action Section, and 2) Construction Law Section, subject to the addition of a CLE component being added to its proposed bylaws (Exhibit A).

### Reduced Fees for Active Attorneys Over 70 Who Don't Want Emeritus Status

Executive Director Jeff Davis presented a Bar member's request for a rules change that would allow an attorney in good standing for at least 40 years and who has reached the age of 75, but continues to practice law for the purpose of helping the low income public, to apply for and receive a waiver of dues. Currently, Emeritus members can only provide pro bono work through a qualifying pro bono program. The Executive Committee asked Bar staff to work with the Senior Lawyers Committee to determine what to do with those practicing law at an advanced age, what the economic impact would be to the Bar, and present its recommendation to the Executive Committee. The Office of General Counsel is also looking at a retired category and a rule that reduces dues for senior lawyers in active practice.

### Grievance Form on State Bar Website

General Counsel Paula Frederick reported that the Disciplinary Rules and Procedures Committee wants the grievance form to be placed on the Bar's website so everyone has access to it. David Lipscomb said he was concerned that in doing so there will be a huge increase in grievances filed and 90% of them will not be legitimate. The Executive Committee, by a vote of 10 in favor to 1 opposed, approved placing the grievance form on the website.

### Corporate Credit Card Limit Increases

Following a report by Executive Director Jeff Davis, the Executive Committee, by unanimous voice vote, approved increasing the corporate credit card limit from \$10,000 to \$20,000 for the Section Director position, and temporarily for the ICLE Meetings-Assistant Director position. More and more venues now require deposits by credit card rather than accepting checks, and oftentimes more than one deposit within the same credit card billing month is required.

### State Bar Security Camera System

Following a report by Executive Director Jeff Davis about upgrading the Bar Center's security camera system at a cost of \$21,528, the item was tabled until September to allow Jeff to obtain more information from our building engineer.

### Presidents Boardroom Chandelier Wiring Repair/Upgrade

Executive Director Jeff Davis reported that the switch for the chandelier in the Presidents Boardroom is broken and will not only require a new wall switch, but an upgrade of the wiring system at a cost of \$34,360. President-elect Darrell Sutton reported that over the past couple of years we have had to upgrade several building systems. As we continue to encounter more issues with these aging systems, we might want to ask the Bar Center Committee to conduct a comprehensive study for all of the building systems that need or soon will need to be upgraded so those upgrades can take place at one time instead of on a piecemeal basis. In the meantime, the wiring in the President's Boardroom will be looked at for any safety issues and Jeff will explore other alternatives for replacing the chandelier switch.

### Executive Committee Travel Policy

Executive Director Jeff Davis reported that the Secretary and Treasurer only receive a \$2,000 travel allowance and have to pay their own hotel costs. He proposed that the Executive Committee Travel Policy be amended to include paying for the hotel rooms for the Secretary and Treasurer as it does for the non-officer Executive Committee members. The Executive Committee, by unanimous voice vote, with David Lipscomb, Treasurer Dawn Jones, Frank Strickland, Amy Howell, and Secretary Elizabeth Fite abstaining, approved amending the Executive Committee Travel Policy (Exhibit B) to include the Secretary and Treasurer positions.

### Proposed Restructuring of ICLE

Deputy General Counsel Bill NeSmith discussed a restructuring of ICLE in Georgia wherein the State Bar of Georgia Foundation would transfer all of its ICLE assets (including cash and investments) and obligations to a new limited liability company called ICLE of Georgia, LLC. Currently the State Bar floats funds on behalf of the Foundation by paying third party invoices in connection with ICLE programs and then has to seek reimbursement from the Foundation. This practice of moving assets between the Bar and the Foundation would cease. The restructuring will preserve ICLE assets, and all of the ICLE money would be protected in the LLC. The proposed restructuring will reduce the Form 990 filing burden of the Foundation and save money on audit costs. Executive Director Jeff Davis reported that this has been discussed with outside counsel at two major law firms and this was their recommendations. Following that, the Executive Committee, by unanimous voice vote, approved moving forward with the restructuring of ICLE and directed the appropriate Bar staff to create the LLC and move the assets.

### President's Report

President Ken Hodges reported that everything is great and running smoothly.

### Treasurer's Report

Treasurer Dawn Jones reported on the Bar's finances. She reported that in a couple of months we will be closing out the end of June financials. She announced that the Bar just broke the 50,000-member mark and provided a breakdown of members by age groups as of June 30. She reported that the officers' rollover amount from the 2017-18 Bar year was \$86,720. Thereafter, the Executive Committee approved recommending to the Board of Governors the Combined Financial Audit Reports dated June 30, 2017.

The Executive Committee received copies of the Consolidated (Operational and Bar Center) Revenues and Expenditures Report as of May 31, 2018; Income Statement YTD for the Eleven Months Ended May 31, 2018; Bar Center Revenues and Expenditures Report for the Eleven Months Ended May 31, 2018; Summary of Dues and Voluntary Contributions at May 31, 2018; Legislative Fund and Cornerstones of Freedom Fund Activity Reports through May 31, 2018; and an Investment Performance Comparison 2005-2018.

### YLD Report

YLD President Rizza O'Connor reported on the activities of the YLD. She reported that there are 23 committees, including a new Government Law Committee, and that the Committee Orientation took place on July 27. Regarding the remote representation program, Rizza reported that the Lawyers for Equal Justice received a \$30,000 grant from the Georgia Bar Foundation to help grow the program. An analyst is being hired to solidify a program that other counties can emulate at a

low cost, develop proper procedures on electronically filing, and find the proper equipment to share with others. She announced upcoming events, including the Summer meeting that has as its service project raising money for the Chatham Youth Commission to create hygiene kits for the homeless. She reported that the YLD Newsletter will include two new features this year, Adulting 101 and an Affiliate Showcase. The YLD is participating in a program at GSU that will help undergrads understand what it is to be a lawyer, and at UGA it will be assisting with a mock trial. Lastly, Rizza reported that the Signature Fundraiser that will take place in March will benefit the Lawyers for Equal Justice.

YLD Immediate Past President Nicole Leet reported that the YLD received the ABA/YLD Newsletter Award and the Service to the Bar Award at the recent ABA Annual Meeting. She then reported on possible changes to the YLD election rules that included 1) not allowing candidates to campaign prior to the Midyear meeting, 2) limiting emails to one barwide email, 3) eliminating endorsements by current officers, 4) not allowing public endorsement by groups, 5) limiting mass mailings to groups, 6) having a budget cap for campaign materials, 7) not allowing the use of personal social media accounts to create a campaign account, and 8) not allowing comments, and if candidates do get comments, the candidate is responsible for them. President-elect Darrell Sutton expressed concern about some of the proposals because it has been common place for YLD candidates to start campaigning at the Summer meeting, and allowing only one barwide email could create problems rather than help eliminate campaign abuses. Treasurer Dawn Jones commented that it would be helpful to get feedback from past YLD presidents, and expressed her opinion that detailed rules are necessary to prevent campaign misconduct. YLD President-elect Will Davis also favored new rules to address the issues. Executive Director Jeff Davis reported that the Elections Committee is also looking at the Bar's elections rules so this discussion is timely. Deputy General Counsel Bill NeSmith will coordinate the Elections Committee's work with the YLD proposals.

#### Executive Director's Report

Executive Director Jeff Davis reported on a planned reorganization within the Communications Department. The Communications Coordinator, Stephanie Wilson, was recently promoted to YLD Director. Her replacement is an extremely well-qualified candidate from the Administrative Office of the Courts. In addition, the part-time social media position currently housed within ICLE will transition to the Communications Department full-time effective October 1, so that all messaging and brand identity for Bar entities will be housed in the Communications Department. Although these moves will create a budget overage for the Communications Department it will be offset by the \$50,000 in savings realized from eliminating the printed directory. The Executive Committee, by unanimous voice vote, approved the reorganization.

#### ACL/Legislative Report

Director of Governmental Affairs Christine Butcher Hayes reported that she and President Ken Hodges have been working with legislators and other stake holders in the off season. Following the Annual Meeting there was a meeting with the lawyer legislators to discuss how the Bar can support them and how we can get more lawyers in the Legislature. She said it was very well attended and we received a lot of good feedback. Christine also reported that there was a meeting with GTLA and the Georgia Chamber of Commerce to work on some common issues such as the business court constitutional amendment that has no enabling legislation and E-discovery. With

Governor Deal leaving office, we want to work together on these issues. Lastly, she announced that the Advisory Committee on Legislation will meet on September 25 and November 27, 2018.

President Ken Hodges reported that he is sending a personal letter to the managing partners in law firms with lawyer legislators thanking them for their continued support to those legislators. He and Christine will also be encouraging local Bar members to meet with their lawyer legislator.

#### Office of General Counsel Report

General Counsel Paula Frederick reported that her office is continuing to upgrade its systems to reflect the new disciplinary rules and procedures.

The Executive Committee received a written Report of the Office of the General Counsel dated August 8, 2018.

#### Contracting Future Meetings

President-elect Darrell Sutton reported that a byproduct of the strong economy is that many hotel properties are booked through 2020 and beyond, and people in general are traveling more and willing to pay rack room rates. More importantly, hotels are not willing to give us large room blocks for our Annual Meeting based on our check-in/check-out patterns. Because it is more likely than not each Treasurer will move into the president-elect and president positions, he said that Treasurers should begin working on their meeting locations early on. He further reported his options for meeting locations were significantly diminished, and he was not able to select his preferred locations. It was the consensus of the Executive Committee that Treasurers should start working early to identify meeting locations and get them contracted earlier than usual. If there is a financial component to it regarding site visit costs, we will address that later.

#### State Disciplinary Clerk IT/Email Upgrade

General Counsel Paula Frederick and David Lipscomb reported that emails with large attachments can get filtered in the Bar's email security system due to size limits, which results in delayed delivery. When filing a pleading in a document chain, the document has to be mailed or delivered to the clerk in order for the clerk to date stamp it. While the Bar's email capabilities can be increased, Paula would prefer looking at an e-filing system. She will explore all options and report back.

#### Status Upgrade on Georgia Public Defender's Request for Consolidated Space/5<sup>th</sup> Floor Renovations

Executive Director Jeff Davis reported that the Georgia Public Defenders are still working with the State Properties Commission on its 5<sup>th</sup> floor space needs. He also reported that any space it vacates will more than likely be filled by the Criminal Justice Coordinating Council, which recently received a \$100 million grant allocation for victims' rights. In the meantime, we are not making any decisions until we get plans and a budget back from the State Properties Commission.

#### ABA Model Rule on Insurance Disclosure

President Ken Hodges reported on the ABA Standing Committee on Client Protection's model court rule on mandatory malpractice insurance disclosure. He is proposing that just as we are doing on the Bar dues notice for succession planning, that we place on the dues notice a section where attorneys disclose whether or not they have malpractice insurance. We would disclose whether

they had insurance or not on the attorney's member directory information. Ken reported that it would require ratification by the Board of Governors and he would like the Executive Committee to support it. More discussion and information on this proposal will take place at the September Executive Committee meeting.

The Executive Committee received a copy of State Implementation ABA Court Rule on Insurance Disclosure, rules of the Virginia Supreme Court regarding financial responsibility, and Kentucky Bar Association rules regarding mandatory disclosure of professional liability insurance.

#### Employee Appreciation

The Executive Committee received a copy of an email from a public member expressing appreciation for Fee Arbitration Program Director Rita Payne's assistance in recovering their loss from a disbarred attorney, which was ultimately covered by the Clients' Security Fund due to the attorney's disbarment.

#### Board of Governors Minutes

The Executive Committee received copies of the June 8 and June 9, 2018 Board of Governors meeting minutes.

#### 2018 Georgia Bar Examination Pass List & General Statistical Report

The Executive Committee received a copy of the 2018 Georgia Bar Examination Pass List & General Statistical Report.

#### Executive Session

Following a motion and second, the Executive Committee met in Executive Session to receive a litigation report and discuss Standing Board Policy 600 re conflicts of interest. Thereafter, by unanimous voice vote, the Executive Committee emerged from Executive Session.

#### Old Business

There was no old business.

#### New Business

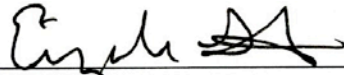
Treasurer Dawn Jones reported that as of September 1, her office is moving to Atlantic Station. YLD President-elect Will Davis reported that he is moving to a new law firm on the August 27.


The Executive Committee, by unanimous voice vote, approved a \$1,500 request from Javoyne Hicks, Chair of the Wellness Committee, to help the committee continue to promote its activities. The money will be paid from the committees' line item.

Executive Director Jeff Davis reported on Rule 41 dealing with post-conviction and pre-appellate delays. The Indigent Defense Committee has some practical issues it wants to bring to the court's attention. It suggests placing the burden on the state for getting prisoners to court, and to consider the status hearings and a possible inability of the defense lawyers to ensure that it happens on a 120-day basis. It was suggested that the Indigent Defense Committee move forward with presenting its issues to the court before the public comment period expires.

Adjournment

There being no further business the meeting was adjourned at 4:49 pm.

  
Elizabeth D. Fite, Secretary

Approved;  
  
Kenneth B. Hodges, III, President